

REMARKS

This responds to the Office Action dated March 26, 2007.

Claims 1-11, 18-19, 22, 37-38, 40 and 44-46; as a result, claims 1-24, 28 and 36-46 are now pending in this application.

Allowable Subject Matter

Applicants acknowledge with appreciation the allowance of claims 1-24 and 28.

Notwithstanding the allowance of these claims, Applicants have amended claims 1-11, 18-19, 22, 37-38, 40 and 44-46 (as noted above), to more clearly define the claimed subject matter of the claims.

Double Patenting Rejection

Claims 36-46 were rejected on the ground of non-statutory, obviousness-type double patenting as being unpatentable over claims 28-30, 32 and 34 of U.S. Patent No. 6,993,393.

While Applicants do not admit that the claims are obvious in view of U.S. Patent No. 6,993,393, a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(b)(iv) is enclosed herewith to obviate these rejections. Accordingly, Applicants request the reconsideration and withdrawal of this rejection.

Submitted Information Disclosure Statement

The Examiner's attention is drawn to the Information Disclosure Statement (IDS) submitted herewith. This IDS cites US Patent 6,527,729 to Turcott identified in another application belonging to the assignee of the current application; as well as the PCT Search Report from the PCT counterpart to this application. It was just recognized that while the references identified on this Search Report were previously cited in an IDS, the Search Report publication itself (wherein the two identified references were identified as "X" references), was not specifically cited.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 10/025,183

Filing Date: December 19, 2001

Title: AN IMPLANTABLE MEDICAL DEVICE WITH TWO OR MORE TELEMETRY SYSTEMS

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Dkt: 279.391US1

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. If there are any matters that may be resolved or clarified through telephone interview, the Examiner is respectfully requested to contact Applicants' undersigned attorney at the number indicated.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date June 26, 2007

By /Michael L. Lynch/

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26 day of June 2007.

Name Paula Suchy

Signature P. Suchy